

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EVE WEXLER, individually and on)
behalf of a class,)
)
Plaintiff,)
)
v.)
)
SIMMONS BANK,)
)
Defendant.)
)
)

Civil Action No.
1:22-cv-02741-AT-CMS

**CONSENT MOTION FOR EXTENSION OF TIME FOR
DEFENDANT SIMMONS BANK TO RESPOND TO THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Defendant Simmons Bank (“Simmons” or “Defendant”) respectfully requests, with the consent of Plaintiff Eve O. Wexler (“Wexler” or “Plaintiff”), a 30-day extension of time, through and including Wednesday, September 14, 2022, to file an answer, motion or other responsive pleading in this action. In support of this Consent Motion, Simmons show the Court as follows:

1. Wexler filed her putative Class Action Complaint (“Complaint”) in this action on July 12, 2022. (Doc. 1.)

2. The Complaint contains complex allegations regarding the ownership and servicing of Plaintiff's Home Equity Line of Credit. (Doc. 1 at ¶¶ 3 – 20.) The Complaint purports to allege wrongdoing on behalf of two presumably nationwide classes of “borrowers,” which she alleges contains “at least hundreds of class members” each.¹ (*Id.* at ¶¶ 49 - 52.)

3. Plaintiff filed a Declaration of Service on August 9, 2022 reflecting service on Simmons on July 25, 2022. (Doc. 4.) Based on that July 25, 2022 service date, Simmons' current deadline to respond to the Complaint is on Monday, August 15, 2022.

4. Local counsel was retained on August 9, 2022 to represent Simmons, and Simmons respectfully requests a 30-day extension of time to answer, move, plead, object, or otherwise respond to the Complaint through and including September 14, 2022. Counsel for Simmons requests this reasonable extension in order to investigate the allegations in the Complaint and prepare an appropriate response.

5. Plaintiff's counsel consents to the relief requested in this Motion.

¹ Simmons does not admit that any of the allegations are correct and reserves its right to assert all available defenses to Plaintiff's claims, including defenses to the purported putative class claims and all jurisdictional-based defenses.

WHEREFORE, Defendant Simmons Bank respectfully requests a 30-day extension of time through and including September 14, 2022 to answer, move, plead, object, or otherwise respond to Plaintiff's Complaint. A proposed order is attached for the Court's convenience.

Respectfully submitted this 10th day of August, 2022.

/s/ Scott E. Zweigel

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Application for admission *pro hac vice*
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **CONSENT MOTION FOR EXTENSION OF TIME FOR DEFENDANT SIMMONS BANK TO RESPOND TO THE COMPLAINT** using the Court's CM/ECF system, which will send electronic notification of such filing to all counsel of record.

This 10th day of August, 2022.

/s/ Scott E. Zweigel
Scott E. Zweigel